

# Exhibit 148

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*  
Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci  
In Support of Plaintiff's Motion for Partial Summary Judgment and  
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment



experience *does* matter

**CASE: Commonwealth of Massachusetts v. Mylan Laboratories Inc., et al.**  
**DATE: October 3, 2007**

Enclosed is the Original of the transcript of the testimony of **Arnold H. Shapiro** along with the errata sheet in the above-titled case. Please have the witness read the deposition and sign the signature page before a Notary Public.

After the signature page has been notarized, please return the original transcript and errata sheets to the custodial attorney within 30 days of receipt for proper filing.

Thank you for your attention to this matter and please feel free to contact us with any questions or concerns.

Sincerely,

Henderson Legal Services

Encl.

Henderson Legal Services  
Phone: 202-220-4158  
Fax: 202-220-4162  
Website: [www.hendersonlegalservices.com](http://www.hendersonlegalservices.com)

Shapiro, Arnold H.

Boston, MA

October 3, 2007

Page 1

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-CV-11865-PBS

-----X  
THE COMMONWEALTH OF MASSACHUSETTS, )  
Plaintiff, )  
-against- )  
MYLAN LABORATORIES INC.; BARR )  
LABORATORIES, INC.; DURAMED )  
PHARMACEUTICALS, INC.; IVAX )  
CORPORATION; WARRICK PHARMACEUTICALS )  
CORPORATION; WATSON PHARMACEUTICALS, )  
INC.; SCHEIN PHARMACEUTICAL, INC.; TEVA )  
PHARMACEUTICALS USA, INC.; PAR )  
PHARMACEUTICAL, INC.; DEY, INC.; ETHEX )  
CORPORATION; PUREPAC PHARMACEUTICAL )  
CO.; and ROXANE LABORATORIES, INC., )  
Defendants. )

-----X

Boston, Massachusetts

Wednesday, October 3, 2007

Videotaped Deposition of ARNOLD H. SHAPIRO,

Henderson Legal Services  
202-220-4158

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Shapiro, Arnold H.

October 3, 2007

Boston, MA

Page 2

1 held at the offices of Ropes & Gray LLP, One  
2 International Place, Boston, Massachusetts 02110,  
3 commencing at 9:39 a.m., before Justina M.  
4 Pettinelli, RDR/CRR, a Notary Public for the  
5 Commonwealth of Massachusetts.

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7 A P P E A R A N C E S O F C O U N S E L

8 Attorneys for the Plaintiff:

9 THE COMMONWEALTH OF MASSACHUSETTS

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Shapiro, Arnold H.

October 3, 2007

Boston, MA

Page 170

1 Q. And what was your understanding of what  
2 manufacturers had to disclose?

3 A. They had to disclose the prices that they  
4 were charging various customers of theirs.

5 Q. And did you ever have an occasion to review  
6 the definition of AMP in the federal regulations?

7 A. I'm sure I looked at it.

8 Q. So at some level, you had a basic  
9 understanding of --

10 A. I would have an understanding; I knew the  
11 law; but AMP is something that the Feds dealt with  
12 and not us.

13 Q. Right. And were there any occasions where  
14 you had access to AMP data from any manufacturer?

15 A. I believe that data is confidential within  
16 HCFA.

17 Q. But my question is: Was there ever an  
18 occasion where you had access to such data?

19 A. No. It's confidential data.

20 Q. Did you ever ask any manufacturer for that  
21 data?

22 A. I might have.

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Shapiro, Arnold H.

October 3, 2007

Boston, MA

Page 173

1 Q. Are you --

2 A. I'm not exactly --

3 Q. Is that your understanding?

4 A. Today I don't recall the formula and the  
5 method of derivation.

6 Q. Right.

7 A. But I do know that we were not privy to that  
8 information or to the process.

9 Q. Right.

10 A. And there were perhaps instances where I  
11 attempted to discuss it with the Feds, and I was  
12 told don't go there.

13 Q. Did you ever discuss the derivation of the  
14 URAs with any other state Medicaid officials?

15 A. Might have. I don't recall it.

16 Q. Now, going back to the federal upper limit  
17 program, you earlier told me that you understood  
18 that the federal upper limits were set on the basis  
19 of the lowest published price; correct?

20 A. That's what I -- after reviewing the  
21 documents, that's my understanding.

22 Q. But you also told me that the federal